

COPY in opinion

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SEP 22 1998

CONCORD, N.H.

Ray E. Tarbox, Commissioner
State Liquor Commission
109 North Main Street
Concord, New Hampshire

Dear Mr. Tarbox:

In a conference of this date you have referred to that portion of RSA 181:15 which provides that a permit for the sale of beverage may not be issued to one who has been convicted of a felony; and you have inquired if this prohibition extends to a felony of which the applicant has been pardoned by the Governor and Council. (RSA 4:21, et seq.)

While there have been no judicial opinions bearing upon the precise point by the courts of this State, it appears to be the general rule that a full and unconditional pardon relieves the individual from all of the legal consequences in the form of disqualification or disabilities based on his previous conviction. (67 CJS, Pardons, s. 11). Another authority states the law as follows:

"Any attempt, in the case of a full pardon, to restrict its effect, even by express terms, so as to leave the legal disabilities of a conviction resting upon the convict would be repugnant to the grant, and void." 39 Am. Jur., Pardon, etc., s. 51.

In view of the foregoing it is our opinion that a person who has been granted an unconditional executive pardon with respect to a conviction of felony is not thereafter barred by such conviction from eligibility for a license.

Very truly yours,

Warren E. Waters
Deputy Attorney General

WEW/aml